

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CRIMINAL DOCKET NO.: 5:95CR6**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
vs	)	
	)	<b>ORDER</b>
<b>SHAHBORN EMMANUEL (2),</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

**THIS MATTER** is before the Court on Defendant’s *pro se* “Motion Requesting the Grand Jury Minutes for Reasons of Attacking the Indictments,” filed May 8, 2006.

On October 5, 1995, pursuant to a written Plea Agreement with the Government, Defendant pled guilty to Count One of the Bill of Indictment. Subsequent to entering this plea, the Court ordered Defendant to undergo a psychiatric evaluation. On August 1, 1997, the Court held a competency hearing at which time the Court determined that based on the psychiatric evaluation, Defendant was competent. Also on August 1, 1997, the Court sentenced Defendant to 84 months imprisonment to run concurrently with any sentence Defendant was already serving and with any sentence for which Defendant was currently subject. Defendant did not file an appeal or a Section 2255 motion.

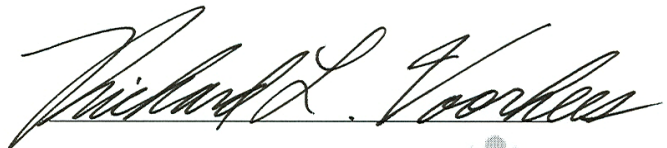
On December 9, 2005, Defendant filed a Motion to Withdraw Guilty Plea, which the Court denied in an Order filed February 2, 2006. Defendant appealed the denial of that Motion, and on May 24, 2006, the United States Court of Appeals for the Fourth Circuit affirmed this Court’s denial of Defendant’s Motion to Withdraw Guilty Plea. Defendant now requests a copy of the grand jury minutes “so that the petitioner Shahborn Emmanuel may challenge the

indictment.”

Subject to conditions directed by the Court, disclosure of a grand-jury matter is permitted at the request of a defendant who shows that a ground may exist to dismiss the indictment because of a matter that occurred before the grand jury. FED. R. CRIM. P. 6(e)(3)(E)(ii). In the instant case, Defendant does not provide any showing that the Indictment in the instant case may be subject to dismissal because of a matter that occurred before the grand jury. Therefore, disclosure of the grand jury minutes is not warranted.

**IT IS, THEREFORE, ORDERED**, that Defendant’s *pro se* “Motion Requesting the Grand Jury Minutes for Reasons of Attacking the Indictments” is hereby **DENIED**.

Signed: August 3, 2006

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees  
United States District Judge

